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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/276,042	03/25/1999	JOSEPH MICHAEL CHRISTIE	1098D	1578
28004	7590	06/16/2005	EXAMINER TIEU, BENNY QUOC	
SPRINT 6391 SPRINT PARKWAY KSOPHT0101-Z2100 OVERLAND PARK, KS 66251-2100			ART UNIT 2642	PAPER NUMBER

DATE MAILED: 06/16/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/276,042

Applicant(s)

CHRISTIE ET AL.

Examiner

Benny Q. Tieu

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 April 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 7 and 8 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 7 and 8 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Response to Amendment

1. Applicant's amendment filed on April 27, 2005 has been entered. Claims 1-6 and 9 have been previously canceled. No claims have been added nor amended. Claims 7 and 8 are still pending in this application, with claim 7 being independent

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 7 and 8 are rejected under 35 U.S.C. 102(e) as being anticipated by Smith (U.S. Patent No. 5,742,667).

Regarding claim 7, Smith teaches a method of operating a call processing system to handle a call placed to a called telephone number from a caller having a caller telephone number, the method comprising:

receiving call set-up signaling for the call (column 3, lines 61-63);

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prior to service discrimination, processing the called telephone number from the call set-up signaling to determine if the called telephone number is toll-free (column 3, lines 63-66);

if the called telephone number is not toll-free, then checking the caller telephone number in a validation table to determine if the call should be allowed (column 4, lines 20-39);

if the call should be allowed based on the validation table, then processing the called telephone number to select a route for the call (column 4, 40-51);

if the called telephone number is toll-free, then processing the called telephone number to select the route for the call without checking the caller telephone number in the validation table (column 4, lines 1-8);

after selecting the route for the call, generating and transferring a message indicating the route selected for the call (column 4, lines 10-19).

Regarding claim 8, Smith further teaches the method wherein the set-up signaling comprises a SS7 IAM (this is inherent in an Intelligent Network).

Response to Arguments

4. Applicant's arguments filed April 27, 2005 have been fully considered but they are not persuasive.

Applicant argues that the invention claims steps for processing calls that are not toll-free, but Smith does not disclose call processing for calls that are not toll-free. Examiner respectfully disagrees. Clearly, Smith teaches that "If the data base inquiry determines that calling party service charges do apply (positive result of test 202) then the local switch performs a class of service translation to determine whether the calling telephone requires screening of such calls"

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(column 4, lines 20-24). It is noted that if calling party service charges do apply, it means that it's not toll-free. It is also noted that "determine the called telephone number is toll-free" is different from "determine the called telephone number is a toll-free number" (emphasis added). The claimed language does not clearly indicate that the step of determining is to determine the called telephone number is a toll-free number. Hence, Smith covers these limitations.

Further, Applicant argues that claim 7 clearly requires that the toll-free nature of the called number be determined "prior to service discrimination." Applicant then states that Smith does not disclose the step of determining whether the call is toll-free or not. And Applicant concludes that Smith does disclose that service discrimination occurs first. Examiner respectfully disagrees with Applicant on these arguments. Clearly, Smith column 4, lines 20-51 cites that prior local switch performs a class of service translation to determine whether the calling telephone requires screening of such call ("prior to service discrimination"), calling party service charges is determined whether or not to apply. This means that discrimination occurs after determining the call is not toll-free. It should be noticed that Examiner position is that if a toll call (800 call is a toll call) is not at all charged to a caller is a toll-free and that if a toll call is charged to the caller is not a toll-free.

In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., Applicant further argues about "normal caller validation step" or "normal toll-free call processing..." and refers it to the Application, page 23, line 23 to page 24, line 18.) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26

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USPQ2d 1057 (Fed. Cir. 1993). It is noted that in Smith, if calling party service charge does not apply, the call is processed normal (this means that the call is routed as normal without checking the caller telephone number in the validation table).

Conclusion

5. Any response to this action should be mailed to:

Box AF

Commissioner of Patents and Trademarks

Washington, D.C. 20231

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

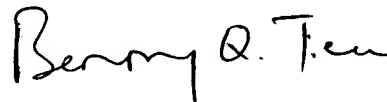
A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

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7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Benny Q. Tieu whose telephone number is 571-272-7490. The examiner can normally be reached on Monday-Friday: 6:30AM - 5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ahmad Matar can be reached on 571-272-7488. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Benny Q. Tieu
Primary Examiner
Art Unit 2642